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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3 06-70413 MEJ
Plaintiff,)	
v.)	PROPOSED ORDER EXCLUDING
KAI BUTLER,)	TIME FROM NOVEMBER 7, 2006
Defendant.)	THROUGH DECEMBER 7, 2006 FROM
)	CALCULATIONS UNDER THE SPEEDY
)	TRIAL ACT (18 U.S.C. § 3161) AND
)	UNDER F.R.C.P. 5.1

The parties appeared before this Court on the pending complaint on November 7, 2006. Gregg W. Lowder, Assistant United States Attorney, appeared for the United States. Steven Kalar, Assistant Federal Public Defender, appeared for the defendant, who appeared personally.

At the request of and upon the consent of the parties, and the defendant personally, the Court continued the case to December 7, 2006 for status conference and excluded time from November 7, 2006 through December 7, 2006 from time calculations under the Speedy Trial Act and under F.R.C.P. Rule 5.1. The exclusions of time are based upon the request of the parties, upon a motion for release made in court by the defendant to be heard on December 7, and further upon the need to permit the attorneys reasonable time for effective preparation in the case, including allowing the government time to investigate the accuracy of the defendant's criminal history recently reported by the probation department.

Order re Speedy Trial Exclusion of Time
CR 3 06-70413 MEJ

1 The Court enters this order continuing the hearing and supplementing its oral orders at the
2 hearing of November 7, 2006 excluding time from calculations under the Speedy Trial Act, 18
3 U.S.C. § 3161, and from calculations under Federal Rule of Criminal Procedure 5.1, from
4 November 7, 2006 through December 7, 2006. The parties, including the defendant, agree and
5 the Court finds and holds as follows:

6 1. The defendant understands and requests the exclusion of time from calculations under
7 the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure
8 Rule 5.1, from November 7, 2006 through December 7, 2006 based upon the pendency of
9 its pretrial motion made in court on November 7 that will be heard on December 7, and
10 the need for a reasonable period of time to allow effective preparation, including
11 reasonable time to investigate further the defendant's criminal history.

12 2. Defense counsel Steve Kalar joins in the request to exclude time from calculations
13 under the Speedy Trial Act and under F.R.C.P. 5.1 for the above reasons, and believes the
14 exclusion of time is necessary for him to effectively prepare the motion and also a
15 defense, and further agrees the exclusion of time under the Speedy Trial Act, 18 U.S.C. §
16 3161, and under F.R.C.P. 5.1 should be from November 7, 2006 through December 7,
17 2006.

18 Given these circumstances, the Court finds that the ends of justice served by excluding
19 from time calculations the period of November 7, 2006 through December 7, 2006 outweigh the
20 best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18
21 U.S.C. § 3161, and further, at the defendant's request, finds good cause for the same reasons
22 listed above and stated at the hearing to exclude November 7, 2006 through December 7, 2006
23 from time calculations under Federal Rule of Criminal Procedure 5.1. Accordingly, and at the
24 request of the defendant personally, the Court (1) sets an appearance date on December 7, 2006,
25 @ 9:30 a.m., and (2) orders and finds that the time from November 7, 2006 through December 7,

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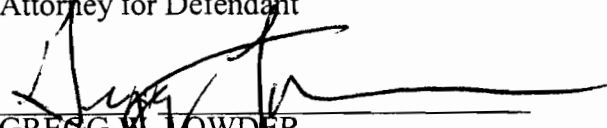
2006 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under Federal Rule of Criminal Procedure 5.1.

SO STIPULATED:

DATED: 11/7/06

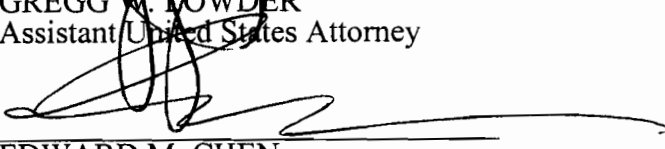

STEVEN KALAR
Attorney for Defendant

DATED: 11/07/06


GREGG W. TOWDER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 11/9/06


EDWARD M. CHEN
United States Magistrate Judge